

ONEIDA COUNTY PLANNING & ZONING
July 5, 2006
12:30 P.M. – CLOSED SESSION -COMMITTEE ROOM #2
1:00 P.M. REGULAR MEETING – COMMITTEE ROOM #2
2ND FLOOR, ONEIDA COUNTY COURT HOUSE

Members present: Chairman Bob Metropulos
Scott Holewinski
Frank Greb
Ted Cushing – excused absence
Larry Greschner

Department staff present: Karl Jennrich, Zoning Director
Steve Osterman, Planning Manager
Pete Wegner, Assistant Zoning Director
Nadine Wilson, Land Use Specialist
Mary Bartelt, Typist III

Other County Staff: Brian Desmond, Assistant Corporation Counsel

See Attached Guest List:

1. Call to order.

Chairman Metropulos called the meeting to order at 12:35 P.M., in accordance with the Wisconsin Open Meeting Law.

Chair Metropulos noted for the record that Ted Cushing was absent.

2. Discussion/decision to approve the Agenda.

MOTION: (Frank Greb/Larry Greschner) to approve the July 5th 2006 agenda. 4 ayes, 1 absent. Motion carried.

3. It is anticipated that the Committee may meet in Closed Session pursuant to Wisconsin Statutes, Section 19.85 (1)(g), conferring with legal counsel concerning strategy to be adopted by the governmental body with respect to litigation in which it is or is likely to become involved. A roll call vote will be taken to go into closed session.

MOTION: (Larry Greschner/Frank Greb) to enter into Closed Session, Roll Call Vote: Scott Holewinski “aye”, Larry Greschner “aye”, Frank Greb “aye” and Bob Metropulos “aye”. All “aye” on voice vote. Motion carried.

Time: 12:36 P.M.

4. A roll call vote will be taken to return to open session

MOTION: (Larry Greschner/Frank Greb) to return to open session. Roll Call Vote: Scott Holewinski “aye”, Larry Greschner “aye”, Frank Greb “aye” and Bob Metropulos “aye”. All “aye” on voice vote. Motion carried.

Time: 12:59 P.M.

For the record, the Committee conferred with legal counsel regarding possible litigation.

5. Discussion/decision to approve meeting minutes of June 7, 2006 & June 14, 2006.

MOTION: (Scott Holewinski/Larry Greschner) to approve the meeting minutes for June 7, 2006 and June 14, 2006. 3 ayes, 1 abstain (Frank Greb), 1 absent. Motion carried.

6. Discussion/decision concerning the preliminary 6-unit Moen Lake Condominiums located on property described as being Lot 25 of Moen Park and Lots 6 & 7 and part of the platted road of the First Addition to Moen Park and unplatted lands being part of Gov't Lots 2 & 3, Section 25, T37N, R9E, in the Town of Pine Lake, PIN# PL 1021 & PL 1027.

Steve Osterman, Planning Manager, stated that this is a true condo conversion where it is an operating resort right now and is owned by the Peterson's who wish to convert it to a condominium form of ownership. This will be a full ownership, not a time-share. Property is zoned Single Family. There is some wetland area near the waterfront. There are relatively new septic systems. Cabins #4 & 5 have a 1985 septic, the other septic for the other cabins is a 1992 septic. No problem with soil conditions. The Town of Pine Lake has approved the preliminary 6-unit Moen Lake Condominiums on June 22, 2006. "Brandy Lane" has been approved by the Land Information Office for the road name. No flood plain identified on the survey map. All the garages are being proposed and are adequate for two vehicles under the new sizing code. Six garages, 12' x 27', are also proposed to be built for additional storage. Very little or no tree cutting will be done. Setbacks are all proper. Mr. Osterman reviewed the condo declarations.

Staff recommends approval with these conditions:

1. The one well serving the property in between Units 1 & 6 will be labeled "common" to serve all the condo unit owners.
2. Number and location of piers to be in conformity with the zoning ordinance
3. 3 piers and 7 berthing spaces are allowed

MOTION: (Scott Holewinski/Frank Greb) to approve the 6-unit Moen Lake Condominium project, Item #6 on today's agenda, with staff concerns. All "aye" on voice vote. Motion carried.

7. Discussion/decision concerning June 28, 2006 comments and public hearing for a Conditional Use Permit Application of Wal-Mart Super Center Development consisting of constructing a 156,000 square foot Super Center Store to include an in store grocery, a general retail store, a tire and lube center, garden center, food court, bank, optical center, plus unspecified independent businesses. The existing Wal-Mart Store will be demolished upon completion of the new store. The new proposed store location is approximately 100' north of the current store. Said project location is described as part of the NW NE and SW NE, Section 10, T39N, R6E, in the Town of Minocqua, PIN# MI 2155 & MI 2155-1. The existing store address is 8705 Blumenstein Rd, Minocqua, WI.

Mr. Jennrich, Zoning Director, explained to the committee that he requested that this item be placed on the agenda to find out from the committee what additional information they believe should be required. Mr. Jennrich also asks for a motion under 9.42 (c)(1) a conditional use permit application shall be reviewed for completeness by ZA (Zoning Administrator) within thirty working days of the date of application as filed and the fee is paid. The Committee shall attempt to approve the application, conditionally approve the application, or deny the application within 60 days of receipt of the completed application. However, at its sole discretion, the Committee

may extend this review time for up to a total of 180 days after receipt of the completed application.

Mr. Jennrich stated that the committee neither approved nor denied the application but that there was some information, which the committee stated that they wanted to see.

MOTION: (Larry Greschner/Frank Greb) to extend up to 180 days after the receipt date of May 12, 2006. All "aye" on voice vote. Motion carried.

Frank Greb handed out to the committee Wal-Mart Facts from the internet.

Mr. Jim Rein, Wilderness Surveying, stated that Wal-Mart attorneys' did not want to dispute information presented by the opposing attorney because the meeting could have lasted until after midnight. Therefore, Wal-Mart attorneys' decided to let the opposing attorney state their statements.

Mr. Jennrich explained some of the issues, which need to be had.

1. More specifics data on deliveries
2. Impact of neighboring properties
3. Phasing of roads (gray area/ask the Town of Minocqua)
4. Maintenance of berm and landscaping
5. Jim Rein will provide where the cross sections of where the residences are, where the Wal-Mart Store is and the berm and the parking between it.

Mr. Jennrich asks Mr. Rein if he knew when the NOI (Notice of Intent) would be issued. Mr. Rein stated that Wal-Mart was posted on the NOI May 22, 2006 and unless there is a written response back to the DNR requesting more information, which has not been received, it is accepted within 14 days. Nothing in writing has been received regarding the NOI.

Mr. Jennrich will call Yaeger of the DNR.

Mr. Jennrich questions the wetland. Mr. Rein stated that the wetland concerned about is the wetland inside the moat. The wetland discharge, which has been going on for over 100 years, is not being concerned about because the water leaving this wetland is clean and you are allowed to discharge clean water into a wetland.

Mr. Jennrich will meet with the DOT and Mr. Handrick (Town of Minocqua) regarding traffic issues.

One other issue, which must be discussed, is the operation and maintenance of stormwater facilities.

8. Discussion/decision to schedule an onsite inspection and additional public hearing for the above mentioned Conditional Use Permit application.

Committee agrees to receive new public information after the original hearing of June 28, 2006.

Chair Metropulos states to the committee that an economic impact study will be submitted from Triggs (Northwoods First). This should be received by August 14, 2006.

Karl Jennrich will send a letter out no later than July 10 or 11, 2006 to Mr. Rein requesting additional information and also the Town of Minocqua.

MOTION: (Scott Holewinski/Larry Greschner) to accept any new additional information for the Wal Mart project from original public hearing date of June 28, 2006 to the end of working day Wednesday, August 16, 2006. 4 aye, 1 absent. Motion carried.

MOTION: (Frank Greb/Scott Holewinski) to schedule an on-site inspection date of Wednesday August 23, 2006 at 4:00 P.M. and the Public Hearing to follow at 6:00 P.M. 4 aye, 1 absent.

9. Discussion/decision concerning Section 9.93 Lot Sizes in Shoreland Areas; Waterway Classification, of the Oneida County Zoning and Shoreland Protection Ordinance. The Committee will be exploring removing requirements for lots created prior to May 19, 1999 and adjusting Appendix A.

Mr. Jennrich stated that he had sent a letter to Joe Handrick, Town of Minocqua, regarding a separate Minocqua zoning district in relation to Section 9.93 and also sent a letter to Larry Heath, Corporation Counsel dated June 26, 2006 with no response back yet. Mr. Jennrich will forward this to Assistant Corporation Counsel, Brian Desmond.

10. Discussion/decision involving Section 9.94, & 9.98 concerning language related to the placement of boathouses within the Oneida County Zoning & Shoreland Protection Ordinance.

Mr. Pete Wegner explained to the committee the changes, which were implemented on 9.94 OHWM Setbacks, Special Zoning Permission for Structures in Shoreland Setback. EXHIBIT #1

Mr. Wegner went on to explain #11 ~~"A boathouse shall be used for no other purpose except the storage of boats."~~, which he struck through. Mr. Wegner went on to explain that he did some research as to what other counties use for this language. Sixty-six counties out of 72 counties still allow boathouses. Fifty-seven counties out of the sixty-six who allow boathouses have this statement, which is very similar or identical to Item #11. Mr. Wegner also had a copy of the NR115 definition of boathouse and it states, "it means a permanent structure used for the storage of watercraft and associated materials and includes all structures, which are totally closed, have roofs or walls or any combination of these structural parts."

Mr. Wegner explained to the committee that he had thoughts from Larry Heath on this language and Mr. Wegner felt that Mr. Heath was not privy to the fact that the committee was possibly looking at removing Item #11.

Mr. Frank Greb, "I thought we passed that last time."

Mr. Wegner, "I have down here to get the plusses and minuses". "If you want that stricken and put through that way?" "I can do that."

Mr. Scott Holewinski, "It should be for boats and accessory materials." "It doesn't mean that you have to have a boat, you can have accessory materials in there, correct?" "According to number 11, you have to have a boat in there." "Then you could move on to number 12 and store the accessory materials."

Mr. Wegner, "Larry Heath is not aware that you as a committee want to strike number 11."

Mr. Jennrich, "Let me put it this way, if Larry knew that you as a committee wanted to strike out boats, he would not be happy."

2:30 P.M. Committee recessed to hold the Public Hearing

4:24 P.M. Committee reconvened to continue the Regular P & Z Meeting

Continuation of Item #10

MOTION: (Scott Holewinski/Bob Metropulos) to combine Item #11 & #12 to read "Boathouse shall be used for the storage of boats and other accessory materials associated with such boats and use in aid of navigation is permitted. 3 aye, 1 no (Frank Greb), 1 absent. Motion carried.

11. Discussion/decision concerning a possible moratorium on the issuance of boathouse permits.

MOTION: (Scott Holewinski/Larry Greschner) not to have a moratorium on the issuance of boathouse permits. 4 aye, 1 absent. Motion carried.

12. Discussion/decision concerning amendments to Section 9.73 Overlay Districts in the Oneida County Zoning & Shoreland Protection Ordinance.

MOTION: (Larry Greschner/Frank Greb) to table Item #12. 4 aye, 1 absent. Motion carried.

13. Discussion/decision concerning Ordinance Amendment #02-2006 authored by the Planning & Zoning Committee to amend Section 9.94 & 9.96 of the Oneida County Zoning & Shoreland Protection Ordinance. A public hearing was held March 15, 2006 on this item.

MOTION: (Frank Greb/Bob Metropulos) to table Item #13. 4 aye, 1 absent. Motion carried.

14. Discussion/decision concerning adoption of updated Wisconsin Department of Natural Resources wetland inventory maps.

MOTION: (Scott Holewinski/Frank Greb) to table Item #14 and have staff bring back information on the pros and cons of adopting the wetland inventory maps. 4 aye, 1 absent. Motion carried.

15. Discussion/decision concerning departmental operations/procedures/organization.

MOTION: (Scott Holewinski/Frank Greb) to table Item #15 for further information. 4 aye, 1 absent. Motion carried.

16. Discussion/decision of line item transfers, refunds, purchase orders and bills.

Karl Jennrich presented the vouchers to the committee. EXHIBIT #2

Karl Jennrich also pointed out the bill for Lisa Sommers in the amount of \$201.00 and Emmits Business for a guest chair for Mr. Wegner's Office in the amount of \$438.00.
Mileage for a total of \$270.00.

No refunds.

MOITON: (Larry Greschner/Scott Holewinski) to approve the bills as presented accept the guest chair. 4 aye, 1 absent.

17. Communications. NONE

18. Public comments.

19. Discussion/decision regarding future agenda items.

20. Adjourn.

4:55 PM There being no further matters to lawfully come before the Committee, a motion was made by Larry Greschner, second by Frank Greb to adjourn the meeting. With all members present voting "aye", the motion carried.

Chairman Bob Metropulos

Karl Jennrich Zoning Director